

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 38-51 are presently active, Claims 1-20 having been previously canceled without prejudice, Claims 21-37 having been canceled without prejudice by the present amendment, and Claims 38-51 having been added by way of the present amendment. No new matter has been added.

In response to the Notice of Non-Compliant Amendment 37 C.F.R. § 1.121, Applicants respectfully submit a complete listing of all of the claims, correcting Claims 1- 37 as canceled.

In the outstanding Office Action, Claims 21-37 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 21, 22, 24-26, 28, 29, 31-33 and 35-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barnard et al. (Pub No US 2002/0103731) in view of Eisner (U.S. Pat. No. 6,820,060). Claims 27 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Barnard et al. and Eisner and further in view of Maritzen et al. (Pub No US 2003/0107587).

Regarding rejection under the 35 U.S.C. § 112, first paragraph, the subject matter of newly added Claims 38-51 are described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Thus, it is respectfully submitted that the 35 U.S.C. § 112, first paragraph, rejection has been overcome.

Regarding the rejection under 35 U.S.C. § 103(a), Applicants respectfully submit that the rejection has been overcome because, in Applicants' view, newly added Claims 38-51 patentably distinguish over the applied references as discussed below.

Claim 38 recites "a product demand quantity determining section which calculates a reduction rate of the numbers of business transactions which are obtained by said calculation section based on the calculations successively done for two times, and determines a demand quantity of the product based on the calculated reduction rate".

Instead, Eisner discloses to calculate a sales forecast based on the sales probability. However, Eisner does not disclose to predict a demand quantity by calculating a reduction rate of figures of sales transaction at a same stage. Thus, Eisner fails to teach or suggest "a product demand quantity determining section which calculates a reduction rate of the numbers of business transactions which are obtained by said calculation section based on the calculations successively done for two times, and determines a demand quantity of the product based on the calculated reduction rate" recited in Claim 1.

Further, neither Barnard et al. nor Maritzen et al. teach or suggest "a product demand quantity determining section which calculates a reduction rate of the numbers of business transactions which are obtained by said calculation section based on the calculations successively done for two times, and determines a demand quantity of the product based on the calculated reduction rate" recited in Claim 1.

Similarly, Barnard et al., Eisner and Maritzen et al. fail to teach or suggest "calculating a reduction rate of the numbers of business transactions which are obtained based on the calculations successively done for two times, and determining a demand quantity of the product based on the calculated reduction rate" recited in Claim 50.

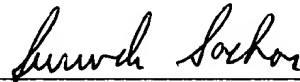
Similarly, Barnard et al., Eisner and Maritzen et al. fail to teach or suggest “calculating a reduction rate of the numbers of business transactions which are obtained based on the calculations successively done for two times, and determining a demand quantity of the product based on the calculated reduction rate” recited in Claim 51.

Accordingly, independent Claims 38 and 50-51 patentably distinguish over Barnard et al., Eisner and Maritzen et al.. Therefore, independent Claims 38 and 50-51 and the pending Claims 39-49 dependent from Claim 38 are believed to be allowable.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Surinder Sachar
Attorney of Record
Registration No. 34,423

GJM/SNS/TY/msh

I:\ATTY\TYAMEND-RESPONSES\214607\214607US RES TO NON COMPLIANT JUN 16 2006.DOC